

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff-Respondent,	§	
	§	
V.	§	CRIMINAL ACTION NO. H-06-89-5
	§	
ERIC VASQUEZ,	§	
	§	
Defendant-Movant	§	

**ORDER**

Pending before the Magistrate Judge upon referral from the District Judge is the United States' Motion to Stay Movant's § 2255 Motion (Document No. 506), in which the United States seeks to stay having to respond to Movant's § 2255 until the Fifth Circuit Court of Appeals resolves Movant's pending appeal. The United States further requests a sixty day extension of time to respond to Movant's § 2255 motion until the Fifth Circuit issues its ruling. Movant opposes the request, having interpreted the United States' request as an attempt to strike his §2255 motion as prematurely filed. (Document No. 507). Contrary to Movant's contention, the United States is not moving to strike his § 2255 motion. The United States seeks to stay the matter pending a ruling by the Fifth Circuit on his appeal of the Court's denial of his Motion for New Trial. Because both Movant's § 2255 motion and his pending appeal concern overlapping issues involving co-defendant Bonifacio Hernandez, the interests of justice will be served by staying the instant action. It is

ORDERED that the United States' Motion to Stay (Document No. 506) is GRANTED. The matter is stayed pending resolution of Movant's appeal by the Fifth Circuit. Once the

matter has been decided by the Fifth Circuit, the Government shall respond to Movant's § 2255 motion within sixty days.

Signed at Houston, Texas, this 12 day of <sup>July</sup>~~March~~, 2010.

  
FRANCES H. STACY  
UNITED STATES MAGISTRATE JUDGE